

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-20536-09-BC  
Honorable Thomas L. Ludington

ARIQ MCCULLOH,

Defendant.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT'S PLEA OF GUILTY AS TO THE LESSER INCLUDED OFFENSE OF  
COUNT ONE OF THE SECOND SUPERSEDING INDICTMENT, AND TAKING THE  
RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on March 18, 2011 by United States Magistrate Judge Charles E. Binder pursuant to the Defendant's consent. Judge Binder issued his report on March 18, 2011, recommending acceptance of Defendant's guilty plea. Either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt # 337] is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea as to the lesser included offense of count one of the second superseding indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 335] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: April 7, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 7, 2011.

s/Tracy A. Jacobs  
TRACY A. JACOBS